

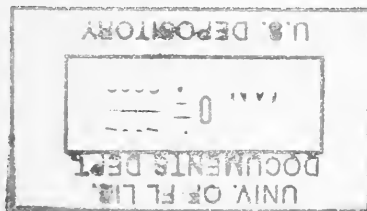
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

RAILWAY CAR BUILDING
INDUSTRY

AS APPROVED ON MAY 11, 1935



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Approved Code No. 285—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

RAILWAY CAR BUILDING INDUSTRY

As Approved on May 11, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE RAILWAY CAR BUILDING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Railway Car Building Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
May 11, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: Under the Code of Fair Competition for the Railway Car Building Industry as approved on February 16, 1934, the Code Authority for said Industry has submitted the amendment which is included and attached.

The amendment to Section 1 of Article VII, by substituting the word "one" for the word "two", (so that the provision will read "In each case wherein one or more employers shall be invited to submit proposals * * *") is designed to cure the confusion which has resulted from the present provision, since an invitee did not know whether or not there were others invited to bid.

The additions to Article IX prohibit the making of allowances in quotations for materials to be furnished by the customer (except those in his bona fide inventory) or where the source of supply is specified by the customer (except in the case of specialties). These provisions are designed to save the members of the Industry from losses which they have heretofore frequently incurred by using defective materials furnished by customers which resulted in the rejection of their finished products.

Hearing on the amendment was held March 1, 1935 at the Department of Commerce Building in Washington, D. C., and opportunity to be heard was duly noticed to all interested parties. One objection was received, but was withdrawn at the hearing.

FINDINGS

The Assistant Deputy Administrator in his final report on said amendment to said Code, having found as herein set forth and on the basis of all proceedings in this matter,

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The aforesaid amendment has been presented in accordance with the provisions of Section 2 of Article XII of the Code.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, this amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MAY 11, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RAILWAY CAR BUILDING INDUSTRY

(1) Article VII, Section 1: Change word "two" in first line to "one", making it read: "in each case wherein one or more employers shall be invited to submit proposals * * *"

(2) Article IX: Add the two following paragraphs:

(c) The making of an allowance from the base price for any of the products of the Industry quoted the customer for or on account of any materials (other than materials then in the bona fide inventory of the customer) furnished by the customer or if the purchase thereof is directed by the customer to be made by the employer from a source of supply designated by the customer, provided that allowances may be made for specialties (and/or parts therefor) furnished by the customer or the purchase of which is directed by the customer to be made from a source of supply designated by the customer.

(d) The making of quotations for processing or the processing of materials for completed articles requiring new materials for their completion, all or a substantial part of the material for which (other than specialties and/or parts therefor) the customer either furnishes or directs the employer to purchase from a source of supply designated by the customer.

Approved Code No. 285—Amendment No. 3.
Registry No. 1414-05.

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